

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LEON IRVING,

Plaintiff,

vs

9:03-CV-64

DONALD SELSKY, Director of SHU; S. CONNELL,  
Deputy Superintendent Administration Mid-State  
Correctional Facility; G. WILLIAMS, Corrections  
Officer at Green Haven Correctional Facility; and  
SGT. MIRANDA, Assistant at Mid-State Correctional  
Facility,

Defendants.

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APPEARANCES:

OF COUNSEL:

LEON IRVING  
82-a-3870  
Arthur Kill Correctional Facility  
2911 Arthur Kill Road  
Staten Island, New York 10209

HON. ELIOT SPITZER  
Attorney General of the  
State of New York  
Attorney for Defendants  
Department of Law  
The Capitol  
Albany, New York 12224

BRIDGET ERIN HOLOHAN, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated January 21, 2005, the Honorable George H. Lowe, United States Magistrate Judge, among other things, recommended that the defendants' motion to dismiss for failure to obtain personal jurisdiction be denied; that plaintiff be granted an extension of

90 days from the filing of this order to effect service of process on all four defendants; and the Clerk shall reissue and forward to the plaintiff new summonses along with the copies of his complaint that he previously attempted to file with the Court,

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Lowe, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).


Accordingly, it is

ORDERED that

1. The defendants' motion to dismiss is DENIED;
2. The plaintiff is granted 90 days from the date of this order to effect service of process on all four defendants; and
3. The Clerk shall immediately reissue summonses and send them to the U.S. Marshal's Service along with copies of the complaint for immediate service of process on the four named defendants.
4. In the event that service is not effected within 90 days, without good cause, the complaint shall be dismissed and the file be closed without further Order of this Court.

IT IS SO ORDERED.

Dated: April 7, 2005  
Utica, New York.

  
United States District Judge